

AMENDMENTS TO THE DRAWINGS

Please amend Figure 3 to correct for a typographical error that inadvertently referred to the “projection” described in the specification at paragraph [0033] by reference numeral 220 instead of reference numeral 222.

Please amend Figure 4 to extend the leader line of reference numeral 220 to the blocking lever as described in the specification at paragraph [0033].

The drawing amendments are described in the application as originally filed and discussed below. No new matter has been added. A clean replacement sheet is provided herewith.

REMARKS / ARGUMENTS

Status of Claims

Claims 1-20 are pending in the application and stand rejected. Applicant has amended Claims 1, 12, 13, 16 and 20, canceled Claim 5, and added new Claim 21, leaving Claims 1-4 and 6-21 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Objections to the Drawings

The Examiner comments that the drawings filed on 10 September 2003 are objected to.

Applicant notes that the Examiner makes reference to the drawings filed on 10 September 2003 and not the formal drawings filed on 13 October 2003. Accordingly, Applicant submits herewith a copy of the formal drawings filed 13 October 2003 for consideration by the Examiner, with sheet 3 of 5 being a replacement sheet as noted herein.

The drawings that were considered by the Examiner were objected to: for lack of clarity regarding element 208 in Figure 5; for reference numeral 220 being used to designate two elements; and, for “blocking lever” allegedly not being shown.

Regarding the clarity associated with element 208 in Figure 5, Applicant submits that the formal drawings filed 13 October 2003 are sufficient to obviate this objection, and that therefore no further correction is necessary.

Regarding the use of reference numeral 220 in Figure 3 to designate two elements, Applicant has provided herewith a replacement drawing sheet to correct for the typographical error. Accordingly, Applicant submits that the drawings are now in compliance with 37 CFR 1.84(p)(4).

Regarding the “blocking lever” allegedly not being shown in the Figures, Applicant respectfully submits that Figures 3-5 specifically include the element “blocking

lever” as denoted by reference numeral 220 and as described in the specification as originally filed at paragraph [0033], which states that “the crank 208 includes a blocking lever 220 extending therefrom.” Accordingly, Applicant submits that the drawings are in compliance with 37 CFR 1.83(a).

In view of the foregoing, Applicant respectfully submits that the drawings are in compliance with 37 CFR 1.84(p)(4) and 1.83(a). Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections.

Objections to the Specification

The Examiner objected to specification because of the informalities relating to the use of “Application Number” that should be “Patent Number”, and the use of attorney docket number.

Applicant has amended the specification in a manner suggested by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections.

Rejections Under 35 U.S.C. §112, Second Paragraph

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner remarks that in lines 3-4, it is not clear what is intended by “attempted to the off position.”

Applicant has amended Claim 12 to now recite, *inter alia*, “...”wherein said spring biases said handle to the on position in response to said contact arm being fixed in the closed position and said handle being driven to the off position.” Support for this amendment may be found in the specification as originally filed at paragraph [0038]. No new matter has been added.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection, which Applicant considers to be traversed.

Rejections Under 35 U.S.C. §103(a)

Claims 1-5 and 7-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mader et al. (U.S. Patent No. 5,543,595, hereinafter Mader) in view of Gula (U.S. Patent No. 4,951,019, hereinafter Gula).

Claims 6 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mader as modified and as applied to Claims 1 and 13 above, and further in view of Castonguay et al. (U.S. Patent No. 6,166,344, hereinafter Castonguay). Mader, Gula and Castonguay are herein collectively referred to as the “References”.

Regarding Claims 1-5, the Examiner alleges that Mader discloses everything in the claimed invention except the engagement surface being a “projection”, and looks to Gula to cure this deficiency. Paper 010505, pages 4-5.

Regarding Claims 7-12, the Examiner alleges that Mader discloses the additional claimed elements. Paper 010505, page 5.

Regarding Claims 13-17 and 19-20, the Examiner alleges that the claimed method steps would have been necessitated by the product structure. Paper 010505, page 5.

Regarding Claims 6 and 18, the Examiner alleges that Mader as modified discloses everything except that contact arm having contacts at opposing ends thereof, and looks to Castonguay to cure this deficiency. Paper 010505, pages 5-6.

Applicant traverses the Examiner’s rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Applicant has amended Claim 1 to now recite, *inter alia*,

“...a cassette disposed within said base;

an operating mechanism disposed atop said cassette with a handle yoke having a projection extending therefrom, said handle yoke being movable between an on position and an off position;

a rotary contact structure disposed with said cassette, said rotary contact structure having a contact arm supporting at least one contact, said contact arm being movable between a closed position and an open position; and

a crank operably coupled to said handle yoke and said rotary contact structure to move said contact arm from the closed position to the open position when said handle yoke is moved from the on position to the off position, said crank having a blocking lever extending therefrom, said blocking lever interacting with said projection of said handle yoke to prevent said handle yoke from being moved to the off position when said contact arm is fixed in the closed position.”

Applicant has also amended Claim 13 to now recite, *inter alia*,

“A method to prevent movement of a handle yoke to an off position from an on position when circuit breaker contacts are fixed to the on position, *the circuit breaker contacts being disposed within a cassette that is disposed within a base of the circuit breaker, the cassette being configured to operably connect with one phase of a power source*, the method comprising:

configuring a handle yoke having a projection extending therefrom, said handle yoke being movable between an on position and an off position, *said handle yoke being integral part of an operating mechanism that sits atop the cassette*;

aligning a contact arm supporting at least one contact with a corresponding contact, said contact arm being movable between a closed position and an open position *within the cassette*;

operably coupling a crank to said handle yoke and said contact arm to move said contact arm from the closed position to the open position when said handle yoke is moved from the on position to the off position; and

configuring said crank having a blocking lever extending therefrom, said blocking lever interacting with said projection of said handle yoke to prevent said handle yoke

from being moved to the off position when said contact arm is fixed in the closed position.”

Support for these claim amendments may be found in the specification as originally filed at Paragraph [0021-0022]. No new matter has been added. Dependent claims inherit all of the limitations of the respective parent claim.

Applicant has further amended Claims 16 and 20, to correct for typographical errors and grammar.

As amended, Applicant is claiming a handle block arrangement for a circuit breaker having *cassettes disposed within the circuit breaker housing*, where each cassette is arranged for electrical communication with *a single phase of a power system*, *within each cassette there is a rotary contact assembly*, and *atop a cassette is an operating mechanism* that drives the rotary contact assembly of all cassettes in all phases.

In comparing the instant invention with the References, Applicant submits that the References are absent a teaching of *a cassette disposed within said base, an operating mechanism disposed atop said cassette* with a handle yoke having a projection extending therefrom, said handle yoke being movable between an on position and an off position, and *a rotary contact structure disposed with said cassette*, as claimed.

Not only do the References lack a teaching of each and every element of the claimed invention, but they also lack any motivation to combine the References to arrive at the claimed invention since none of the References look to solve the problem of handle blocking *in a cassette type rotary circuit breaker with an operating mechanism disposed atop one of the cassettes* by using a stop surface on a handle yoke in combination with a stop surface on a crank.

While cassette type rotary circuit breakers may provide added benefit for purposes of manufacturing assembly and short circuit interruption by having the rotary contact structure enclosed within a cassette that lends itself to a modular construction arrangement, the cassette type construction also introduces a problem not present in non-cassette type breakers, namely, how to arrive at a handle blocking arrangement that needs

to transmit mechanical logic from the *rotary contact assembly situated inside the cassette* to the handle yoke of the *operating mechanism situated outside and atop of the cassette*. Since the claimed invention claims *an operating mechanism disposed atop one of the cassettes, and a rotary contact assembly disposed within the cassette*, the claimed invention is directed to a solution of a problem not even recognized by the References. Accordingly, Applicant submits that not only do the References fail to teach or suggest each and every element of the claimed invention, but they also fail to recognize a problem only recognized and solved by the claimed invention, and therefore the References cannot properly be used to establish a *prima facie* case of obviousness.

Furthermore, if one skilled in the art were to combine the References as suggested by the Examiner, the end result would be a handle blocking arrangement that necessarily requires substantial through air clearance between the handle yoke of the mechanism and the crank of the contact assembly (as evidenced by the lack of a cassette), thereby substantially effecting the dielectric withstand capability of the overall circuit breaker after a short circuit interruption (a benefit of the cassette). Accordingly, modifying Mader by introducing the teachings of Gula and Castonguay does not necessarily arrive at a circuit breaker suitable for the intended purpose of the circuit breaker of the instant invention. Accordingly, the References cannot properly be used to establish a *prima facie* case of obviousness.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention, fail to recognize a problem recognized and solved only by the present invention, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

Regarding New Claim 21

Applicant has added new Claim 21, which is dependent on Claim 1, and which includes additional limitations that even more specifically describes the subject matter regarded as the invention.

In view of the previous discussion relating to Claim 1, Applicant respectfully submits that the References do not teach or suggest the claimed invention, and do not motivate one to arrive at the claimed invention.

Accordingly, Applicant submits that new Claim 21 is directed to allowable subject and respectfully requests entry and notice of allowance thereof.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103(a), have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

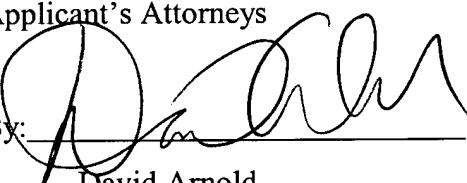
In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

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